

**4125. Misbranding of "Taylor's Horehound Balsam." U. S. v. Winfield Scott Taylor (Taylor Drug & Chemical Co.). Plea of non vult. Fine, \$25. (F. & D. No. 6053. I. S. No. 5921-e.)**

On July 8, 1915, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Winfield Scott Taylor, trading as the Taylor Drug & Chemical Co., Trenton, N. J., alleging shipment by said defendant, on or about January 2, 1913, from the State of New Jersey into the State of Pennsylvania, of a quantity of "Taylor's Horehound Balsam" which was misbranded in violation of the Food and Drugs Act, as amended. The article was labeled: (On carton) "Taylor's Horehound Balsam Each Fluid Ounce Contains Codeine Sulphate Grain 1-6 Chloroform (Pure) Minims 4 Alcohol 14 $\frac{1}{4}$ % A Remedy for all Affections of the Lungs, Throat and Chest Such as Coughs, Colds, Asthma, Bronchitis, Croup, Whooping Cough, Pain or Oppression of the Chest, Hoarseness and all Pulmonary Diseases. Directions. For Adults, give one to two teaspoonfuls every three or four hours until relieved. Children according to age. This Size 25 Cents. Prepared only By The Taylor Drug & Chemical Co. Trenton, N. J., U. S. A. To protect the public against imitations and frauds, see that the name is blown in the bottle, and each package is signed, W. Scott Taylor. Registered according to act of Congress in the year 1887 by W. Scott Taylor, in the Patent Office at Washington, D. C." (Statement on back of carton in foreign language.) (On side of carton) "Guarantee on Taylor's Horehound Balsam. Any person buying this medicine, and after using one bottle they find no benefit from it, by writing to the Proprietor, having their letter endorsed by the person from whom it was purchased, will have their money promptly refunded. The Taylor Drug & Chemical Co., Trenton, N. J. Taylor's Horehound Balsam. Guaranteed By The Taylor Drug and Chemical Co. Under The Food and Drugs Act, June 30, 1906. Serial No. 3286. Note—No person ever yet afflicted with the most violent cough or cold who has taken this medicine but what has been relieved." (On top flap) "Touches the Spot." (On bottom flap) "Guaranteed By The Taylor Drug and Chemical Co., Under The Food and Drugs Act, June 30, 1906. Serial Number 3286." (On bottle) "Taylor's Horehound Balsam Each Fluid Ounce Contains Codeine Sulphate, Grain 1/6; Chloroform (Pure), Minims 4; Alcohol 14 $\frac{1}{4}$ %. Coughs, Colds, Asthma, Bronchitis, Croup, Whooping Cough, Pain or Oppression of the Chest, Hoarseness and all Pulmonary Diseases. Directions: For Adults give one to two teaspoonfuls every three hours until relieved. Children according to age. Prepared Only By The Taylor Drug & Chemical Co. Trenton, N. J., U. S. A. To protect the public against imitations and frauds, see that each label is signed W. Scott Taylor." (Blown in bottle) "Taylor's Horehound Balsam." The circular or pamphlet accompanying the article contained, among other things, the following statements: "For all Pulmonary Diseases, Whooping Cough and Croup," "Safe, Sure and Always Reliable. \* \* \*," "The most efficacious remedy for Coughs is Taylor's Horehound Balsam. It is an anodyne expectorant of great value and may be depended upon to effect a permanent relief. \* \* \*," "Who can say how many cases of beginning consumption it cured? The number must be great."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)_____	14.4
Codeine sulphate (grams per fluid ounce)_____	0.0074
Chloroform (minims per fluid ounce)_____	2.2
Methyl salicylate (grams per fluid ounce)_____	0.016
Solids (per cent)_____	50.2

Sugars (per cent)----- 48.6

Ash (per cent)----- 0.13

Camphor: Present.

Tartar emetic, ammonium chlorid, iodids, bromids, and wild cherry:

Absent.

There is nothing to indicate that this sample contains more than traces of horehound; the medicinal substances present, in addition to alcohol, are codeine, chloroform, methyl salicylate, and camphor.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, (On carton) "A remedy for all Affections of the Lungs, Throat and Chest Such as \* \* \* Asthma, Bronchitis, Croup, Whooping Cough \* \* \* and all Pulmonary Diseases," were false and fraudulent in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, [and create in the minds of purchasers thereof] the impression and belief, that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy for all affections of the lungs, throat, and chest, such as asthma, croup, whooping cough, and all pulmonary diseases; when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a remedy for all affections of the lungs, throat, and chest such as asthma, croup, whooping cough, or all pulmonary diseases. Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects of the article, included in the circular or pamphlet aforesaid, to wit, "For all Pulmonary Diseases, Whooping Cough and Croup," "Safe Sure and Always Reliable" "The most efficacious remedy for Coughs is Taylor's Horehound Balsam. \* \* \* may be depended upon to effect a permanent relief. \* \* \*," "Who can say how many cases of beginning consumption it cured? The number must be great," were false and fraudulent in that, by means of said circular or pamphlet, they were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of purchasers thereof the impression and belief, that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy for all pulmonary diseases, whooping cough, and croup, and effective for curing consumption in its early stages; when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a remedy for all pulmonary diseases, whooping cough, or croup, or effective for curing consumption at any stage of said disease. Misbranding was alleged for the further reason that the following statement, appearing on the labels aforesaid in prominent type as the trade name of the said article of drugs to wit, "Horehound Balsam," was false and misleading in that it indicated to the purchasers thereof that said article of drugs was composed of, and contained, a substantial amount of horehound, a harmless medicinal agent, as its principal and most active ingredient; when, in truth and in fact, the said article of drugs was not composed of a substantial amount of horehound, and contained as its principal and most active ingredients, to wit, codeine sulphate and chloroform, dangerous habit-forming drugs.

On July 13, 1915, the defendant entered a plea of non vult to the information, and the court imposed a fine of \$25.

CARL VROOMAN, *Acting Secretary of Agriculture.*